

Message Text

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61

ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 AF-06

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FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 2533

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UNCLAS USUN 4709

E.O. 11652: N/A

TAGS: EGEN, UNGA, IR

SUBJECT: 30TH UNGA: THE ROLE OF TRANSNATIONAL CORPORATIONS

1. THIS A.M. MINCOUN KITCHEN WAS HANDED DRAFT RESOLUTION INITIATED BY IRAM. IRANIAN COUNSELLOR OF MISSION (PARSI) SAID THAT IN VIEW OF LIGHT SHED BY AMERICAN CONGRESSIONAL HEARINGS ON THE CONDUCT OF TRANSNATIONAL CORPORATIONS, HIS DELEGATION IS CIRCULATING THE FOLLOWING TEXT AMONG SEVERAL LDC'S AND THE U.S. WHILE HE DID NOT MAKE CLEAR THAT A FIRM DECISION TO TABLE THIS DRAFT HAS BEEN TAKEN, HE DID REQUEST OUR COMMENTS.

2. COMMENT: WHILE IT MAY BE DIFFICULT TO OBJECT TO THE OSTENSIBLE PURPOSE OF THE DRAFT RESOLUTION (TO CURTAIL "CORRUPTIVE PRACTICES" OF CERTAIN TRANSNATIONAL AND NATIONAL CORPORATIONS), THE PREAMBULAR REFERENCES TO CERDS AND NIEO COVER PROVISIONS TO WHICH WE HAVE SPECIFICALLY OBJECTED. THE THRUST OF OUR OBJCTIONS HAVE BEEN AGAINST CONDEMNATORY CONTROL PROPOSALS WHICH IGNORE BOTH THE RIGHTS AND POTENTIAL BENEFITS OF TRANSNATIONALS. THE DRAFT RESOLUTION MAINTAINS THIS IMBALANCE AND IS THEREFORE UNACCEPTABLE AS IT STANDS. NEVERTHELESS, GIVEN OUR COMMITMENT TO THE PRINCIPLE THAT TNC'S MUST BE LAW-ABIDING,
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WE MIGHT ULTIMATELY WANT TO ACCEPT A RESOLUTION IF

ACCEPTABLE LANGUAGE CAN BE DEVELOPED. WE CAN, IN THE
FIRST INSTANCE, ATTEMPT TO PERSUADE IRAN NOT TO TABLE
THE DRAFT BUT WOULD PROBABLY NOT SUCCEED IN THIS
EFFORT. USUN
REQUESTS PROMPT COMMENTS AND GUIDANCE.

3. TEXT OF DRAFT RES FOLLOWS:

QUOTE

DTAFT

THE GENERAL ASSEMBLY,

CONCERNED BY THE GROWING REPORTS OF CORRUPTIVE
PRACTICES INVOLVING CERTAIN TRANSNATIONAL AND NATIONAL
CORPORATIONS;

RECALLING PARAGRAPH 4(G) OF THE DECLARATION ON
THE ESTABLISHMENT OF A NEW ECONOMIC ORDER PROVIDING FOR
REGULATION AND SUPERVISION OF THE ACTIVITIES OF TRANSNATIONAL
CORPORATIONS;

RECALLING ALSO THE PROVISIONS OF CHAPTER V OF THE
PROGRAMME OF ACTION ON THE ESTABLISHMENT OF A NEW ECONOMIC
ORDER EMPHASIZING INTER-ALIA THE NEED TO FORMULATE, ADOPT
AND IMPLEMENT AN INTERNATIONAL CODE OF CONDUCT FOR TRANS-
NATIONAL CORPORATIONS;

RECALLING FURTHER ECOSOC RESOLUTION 1913 (LVII) OF
11TH DECEMBER, 1974;

REAFFIRMING THE PROVISIONS OF THE CHARTER OF
ECONOMIC RIGHTS AND DUTIES OF STATES REGARDING THE INADMISSI-
BILITY FOR SUCH CORPORATIONS TO OPERATE IN A MANNER THAT
VIOLATES THE LAWS OF THE HOST COUNTRIES;

1. CALLS UPON GOVERNMENTS TO TAKE ALL NECESSARY
MEASURES, INCLUDING LEGISLATIVE MEASURES TO PREVENT SUCH
CORRUPTIVE PRACTICES AND TO TAKE VIGOROUS MEASURES AGAINST
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THE VIOLATORS;

2. CALLS UPON HOME-COUNTRIES TO ADOPT STRICT
MEASURES AGAINST BRIBERY COMMITTED BY THEIR NATIONALS OR
CORPORATIONS ABROAD, INCLUDING THE REGULATION AND DISCLOSURE
OF THE FINANCIAL CONTRIBUTIONS OF SUCH CORPORATIONS;

3. REQUEST THE SECRETARY-GENERAL OF THE UNITED

NATIONS TO PREPARE A STUDY ON THE WAYS AND MEANS, INCLUDING THE ADOPTION OF A CODE OF CONDUCT, BY WHICH SUCH CORRUPTIVE PRACTICES CAN EFFECTIVELY BE PREVENTED;

4. REQUESTS THE COMMISSION ON TRANSNATIONAL CORPORATIONS TO INCOUDE THIS ISSUE IN ITS PROGRAMME OF WORK TO BE SUMMITTED TO ECOSOC AT ITS SIXTIETH SESSION;

5. CALLS UPON THE RELEVANT GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS WITHIN THE U.N. SYSTEM, PARTICULARLY THE INTERNATIONAL CHAMBER OF COMMERCE TO ASSIST IN THE FORMULATION AND IMPLEMENTATION OF ANTI-CORRUPTIVE MEASURES AGAINST TRANSNATIONAL AND OTHER CORPORATIONS.

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